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AUG 01 1994

FCC MAIL ROOM

Sheriff's Office of Smyth County

111 WEST NORTH LANE, MARION, VIRGINIA 24354

(703) 783-7204

John H. Grubb, Jr.
Sheriff

July 26, 1994

92-77

FCC Secretary's Office
1919 M Street, N.W. Room 222
Washington, D.C. 20554

Dear Sir/Madam:

I trust this letter finds you well. I am writing to you because of my concern for a pending regulatory issue called Billed Party Preference. This regulation states that the person being billed for the call, (in this case the inmates attorney, family, friends, etc.) is the only one who can determine what telephone company handles the call. It is designed to eliminate the providing of collect calls by a single phone company, such as the current provider of our inmate phone system, which is most satisfactory.

Multiple phone companies that we are not contracted with, will be able to handle calls from our phone system, this will dramatically reduce our provider's ability to control calling from our jail. They will not be equipped to handle inmate calls and most likely may not be aware that the calls are coming from a correctional facility, resulting in fraud. Also it will reduce inmate phone commissions we now receive and our control of inmate calling will be lost.

We must not lose the following features our inmate phone system now provides.

- A: Victim and witness harassment prevention.
- B: On site phone system supervision by facility personnel.
- C: Phone number blocking capability.
- D: Call duration capability.
- E: Inmate phone system commissions.
- F: Collect-only system capability.

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G: Reduced budgetary costs to not having to pay for inmate calls.

I strongly oppose the BPP and encourage you to do the same.

Every consideration you may give this most important matter will be greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "John Grubb". The signature is written in black ink and is positioned above the printed name and title.

John Grubb
Sheriff

JG/rv

OFFICE OF THE SHERIFF
COUNTY OF DICKINSON
P.O. BOX 609
IRON MOUNTAIN, MICHIGAN
49801
PHONE 906-774-6262

DONALD J. CHARLEVOIX
SHERIFF

July 28, 1994

FRANCIS J. MCCARTHY
UNDERSHERIFF

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92-77

AUG - 1 1994

Federal Communications Commission
FCC Secretary's Office
1919 M Street, NW Room 222
Washington D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Billed Party Preference
For 0+ InterLATA Calls

Dear FCC Members,

I have been made aware of a pending regulatory issue that needs to be stopped as it would affect the way Sheriff's Departments along with other Law Enforcement Agencies and Correctional Facilities in the way our inmate phone system is currently handled.

The issue is called Billed Party Preference. Billed Party Preference, (commonly referred to as BPP), is a regulation that states that the person being billed for the call, (in this case the inmates's attorney, friends, family, etc.), is the only one who can determine what telephone company handles the call. Basically it is specifically designed to eliminate the providing of collect calls by a single phone company, such as the provider of our current inmate phone system.

What will happen is that many and multiple phone companies, that I am not contracted with, will be able to handle calls from our phone system. This will dramatically reduce our inmate phone provider's ability to control calling from our facility.

If the collect call recipient chooses another company, other than our inmate phone company, this company will most likely not be equipped to handle inmate calls. It will most likely also not be aware that the call is coming from a correctional facility, resulting in fraud. This also results in large lost revenue to our inmate phone company making it impossible for them to continue our service in the manner we select and with the benefits we currently have. Particularly, it will reduce our inmate phone commissions substantially at best and our control of inmate calling. Three other particular areas that will be affected to our detriment, namely:

1. We will lose blocking control of our inmate phone calls.

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2. We will lose a revenue stream and the inmate family phone costs could go up.
3. The potential for fraud will creep back into the system.

Along with these major concerns, I also see a problem with who is going to pay for all this?

I eagerly oppose the BPP and encourage the FCC to do the same.

Thank you.

Sincerely,



Donald J. Charlevoix, Sheriff

c/c Congressman Bart Stupak
Senator Carl Levin
Senator Donald W. Riegle Jr.
Vice President Al Gore

**COUNTY OF SACRAMENTO
DEPARTMENT OF AIRPORTS**

6900 AIRPORT BOULEVARD
SACRAMENTO, CALIFORNIA 95837
(916) 929-5411



DIRECTOR OF AIRPORTS
THOMAS P. ENGEL

July 29, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street NW, Room 222
Washington, DC 20554

RE: DOCKET NO. 92-77

Dear Mr. Caton:

In response to the Further Notice of Proposed Rulemaking regarding billed Party Preference (BPP), the County of Sacramento Department of Airports submits the following comments regarding BPP's potential impacts on Sacramento Metropolitan Airport's passengers.

1. Impact on airline rates and charges. Sacramento County uses a "residual" rate making methodology for setting airline rates and charges. This methodology takes into account all County airport system rents and concession fees when establishing its landing fees, terminal space rental rates, and apron use fees. Any reduction in concession fees directly impacts the rents and fees charged to the airlines. BPP would reduce concession fees payable to the County and increase fees charged to the airlines. Or the County may increase other rates, such as those for public parking. Either situation ultimately results in higher charges to the airline passengers.
2. Degradation of service to consumers. The additional call setup time and additional data processing associated with BPP will lower service quality to consumers. Sacramento Metropolitan Airport's passengers using public telephones will experience a longer waiting period for their calls to connect. This will become a source of frustration for the callers who are accustomed to the current easy access for selecting their chosen interLATA carrier. The Department of Airports is also concerned about the possibility that BPP may limit the number of public payphones available to its passengers arriving or departing from Sacramento Metropolitan Airport.
3. Inadequate information regarding the costs of implementing and administering BPP. As stated in the Further Notice of Proposed Rulemaking, the implementation and operation of BPP will require substantial network modifications. As stated in the notice, data on costs of these modifications is not reliable due in part to the undeveloped software needed for BPP. Since inadequate information is available to determine the true costs of BPP and technologies necessary for implementation of BPP have not been developed, how can the consumer be guaranteed that BPP will result in cost savings and better service?

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Mr. William F. Caton
Federal Communications Commission

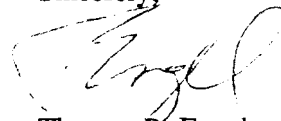
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July 29, 1994

In general, the Department of Airports does not agree that BPP will be advantageous to consumers particularly the travelling public for the following reason: 1) travelling public will experience higher ticket or other airport prices as a result of lost concession revenues payable to airports; 2) travelling public will experience unnecessary delays as a result of longer call connection times and inadequate number of payphones; and 3) insufficient information is available to guarantee that BPP will result in cost savings and service improvements.

The Department of Airports urges the Commission to reject BPP.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Engel', is written over a faint, circular official stamp.

Thomas P. Engel
Director of Airports

TPE/LDM



City of Austin

FOUNDED BY CONGRESS, REPUBLIC OF TEXAS, 1839

DEPARTMENT OF AVIATION, 3600 MANOR ROAD, AUSTIN, TEXAS 78723, TELEPHONE (512) 472-5439, FAX (512) 469-0415

OFFICE OF THE CITY CLERK

July 27, 1994

Mr. William F. Canton
Acting Secretary
Federal Communications Commission
1919 M Street -- Room 222
Washington DC 20554

Re: CC Docket No. 92-77, Phase II

Dear Mr. Canton:

The Billed Party Preference rule which the Federal Communications Commission seeks to promulgate will have an adverse financial impact on airports.

Robert Mueller Municipal Airport is a medium-hub airport, serving approximately five million total passengers a year. In our 160,000 square foot facility, there are approximately 100 pay telephones; 85% are non-credit card pay phones. If this rule as proposed is effected, Robert Mueller Municipal Airport could lose \$85,000 or more annually in revenue.

Over the past several years, Robert Mueller Municipal Airport, Austin, Texas, has averaged \$100,000 annual revenue in commission payments from our selected long distance carrier. Contracts to long distance carriers at airports around the United States are typically awarded competitively. The competition criteria includes not only commissions paid to the airport, but also services rendered to the airport and the traveling public.

Airports depend heavily on revenue from concessions, including telephones, to help offset the cost of operations within the airport terminals. Concessionaires pay airport operators commissions on the revenues derived from airport sales and services for the right to operate on airport property. As airlines continue to push for reduced landing and terminal lease fees, it is counterproductive to airports' efforts to hold down costs if other sources of revenue are cut off. We believe that promulgation of this rule will eliminate any incentive for long distance carriers to compete for the right to place pay telephones in airport terminals. The most dependable carriers will likely put the money saved from commissions into advertising and marketing. As a result, their market shares will remain comparable, but they will not be compelled to compensate airports for the use of airport property.

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The Federal Communications Commission proposes to implement a rule to benefit a few customers and a few long distance carriers who choose not to focus their marketing resources on attracting loyal customers. In doing so, airports will likely lose revenue. The costs do not outweigh the benefits. It would be considerably more cost effective to implement a rule requiring the unblocking of access to other carriers. The burden then would be on the long distance carriers to market their services and the telephone customers to use access codes if they so desire.

We appreciate the opportunity to make these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Gates", with a stylized flourish at the end.

Charles W. Gates
Director of Aviation

DEPARTMENT OF TRANSPORTATION
Aviation Division



CITY OF COLORADO SPRINGS

July 29, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, Room 222
Washington, DC 20554

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FCC MAIL ROOM

92-77

REF: Billed Party Preference

Dear Mr. Caton:

We wish to submit our request that you not allow the referenced rule change to take place. Our airport is part of a municipal corporation, an enterprise fund, which must survive on its own revenue. This is another revenue which contributes to our overall well being and financial stability. Every contribution to our customer service is important to us, and to our tenants. In every situation, the policy should be to do the right thing for the customer. We strongly urge you to reject the Billed Party Preference.

Thank you for this opportunity to comment on BPP.

Sincerely,

John J. Gebhart
Aviation Administrative Services Manager

JG/cas/72994jg1

File: AF, Telephone

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City of Austin

FOUNDED BY CONGRESS, REPUBLIC OF TEXAS, 1839

DEPARTMENT OF AVIATION, 3600 MANOR ROAD, AUSTIN, TEXAS 78723, TELEPHONE (512) 472-5229, FAX (512) 469-0415

July 27, 1994

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FCC MAIL ROOM

Mr. William F. Canton
Acting Secretary
Federal Communications Commission
1919 M Street -- Room 222
Washington DC 20554

Re: CC Docket No. 92-77, Phase II

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We appreciate the opportunity to make these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Gates", with a long horizontal flourish extending to the right.

Charles W. Gates
Director of Aviation



STATE OF NEW YORK

DEPARTMENT OF CORRECTIONAL SERVICES

THE STATE OFFICE BUILDING CAMPUS

ALBANY, N.Y. 12226

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AUG 01 1994

FCC MAIL ROOM

THOMAS A. COUGHLIN III
COMMISSIONER

July 27, 1994

The Honorable Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Billed Party Preference
CC Docket No. 92-77

Dear Chairman Hundt:

I'm writing this letter so that I go on record stating that I am against extending "Billed Party Preference" (BPP) to correctional facilities. I believe that such action will provide very little benefit and will, in fact, create significant problems.

Before I discuss my issues, let me describe the Inmate Call Home Program in New York State.

- The New York State Department of Correctional Services (DOCS) currently has approximately 66,000 inmates in 68 facilities located throughout New York State. Each day, inmates place approximately 90,000 calls and complete about 25,000 calls.
- Inmates are allowed to place calls from 7:00 a.m. to 11:00 p.m. daily. Each inmate is allowed 15 active phone numbers on his or her call list. We also maintain a very extensive list of telephone numbers that inmates are not allowed to call.
- There are no live operators involved in the calling. We have bilingual messages that give the inmate and the called party instructions and any necessary feedback if a problem is encountered.
- Call processing is fairly complex. We have developed applications on our mainframe computer that allow inmate counselors to register telephone numbers for an inmate's calling list. The system also takes the daily call detail records for completed and incomplete calls and stores them for later reference as required for operational or investigative purposes. Calls are actually processed through hardware and software located at each facility supplied by Value Added Communications (VAC).

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- The VAC system was selected via competitive procurement in which nine bids were received. The VAC contract will end March 31, 1997. At the end of the contract, we will own the hardware and software.
- The VAC system is downloaded nightly with new inmate registration data and other operational data, such as inmate loss of telephone privileges, etc. During this nightly processing, VAC sends us the call detail records for the day.
- Our network is comprised of approximately 2500 State-owned telephones connected to 130 T-1's provided by 10 local carriers via long-term lease arrangements. Long distance service is provided by Rochester Telephone as a subcontractor to VAC.
- The rates charged are the dominant carrier (AT&T or NYNEX) rates for both local and long distance traffic.
- Currently, commission revenues paid by VAC to the Department average \$15 million annually. Over 95% of this money is spent on program services for inmates including bus trips for family visits, cable TV, postage, AIDS education and AIDS medication. If the inmate programs lost this revenue source, it is unlikely the State legislature will appropriate funds for most of these programs. We will also have to ask for about \$5 million in funding to run the Call Home Program, since our contractor will not be providing this service from commission revenue. In our view, BPP preference will cost the Department \$5 million and the inmates could lose up to \$15 million in program benefits.

My more specific concerns are as follows:

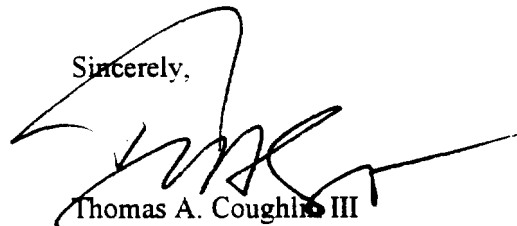
- 1) I do not understand how our telephones can be considered public telephones. We do not run a hotel and our guests have no freedom of choice. The constant work and expense we have to go through to provide inmate access, while meeting a competing need for public safety; coupled with the fact that only registered inmates can gain access and use these telephones places us in a rather unique category.
- 2) Experience has taught us to avoid live operators to limit problems. With BPP, when inmates experience problems gaining access, how will the carrier of choice provide feedback to the inmates without live operator intervention? How are we going to get call detail information from each carrier for our files? The importance of this cannot be minimized and not just from the law enforcement investigative perspective. We often work with the inmates and families to resolve problems with the telephone service providers. Without automated and well coordinated data, we are out of the loop to help resolve problems. I want to be very clear about this one thing: live operators and unreliable data are not an acceptable alternative.

July 27, 1994

- 3) As you can see from my description of the New York State program, we have developed an extensive collection of systems to meet our communication needs. To keep prices down and to maximize revenue, we have made several long-term contractual commitments. If you move forward with BPP, our contracts are void and useless; we basically have to start from scratch again. In the ensuing process, I believe that there is a risk that the network and number of stations could shrink significantly. The result would be increased tension in the facilities and all the risks that follow.
- 4) We have taken the time over the past several years to understand not only the technology of telecommunications, but also the business/market. We lock up the best rates we can on the regulated side of things and use competition on the deregulated side to get good products and pricing. Your actions will basically make the competition dry up and the prison niche will become stagnant, void of competitive pressure. Where is the benefit in all this?

When you last excluded correctional facilities from BPP, I was pleased because I thought you understood why it would be inappropriate and how it could damage a system that actually helps all involved as it currently stands. I strongly urge you to continue to exclude correctional facilities from BPP. Thank you for the opportunity to make this statement.

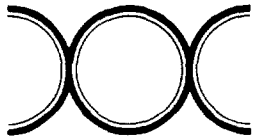
Sincerely,



Thomas A. Coughlin III
Commissioner

cc: Hon. James H. Quello
Hon. Andrew C. Barrett
Hon. Rachelle B. Chong
Hon. Susan Ness

Minnesota
Department of
Corrections



Office of the Commissioner

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AUG 01 1994

FCC MAIL ROOM

July 25, 1994

The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 M Street Northwest
Washington, D.C. 20554

Dear Chairman Hundt:

The Minnesota Department of Corrections offers the following comments regarding Billed Party Preference -- CC Docket No. 92-77.

This issue is of great concern to this agency as it relates to inmate phone systems in our correctional facilities. Currently we have 4381 inmates in ten correctional facilities throughout the state. Of this total, 95 percent are in facilities where they now have access to inmate phone systems or which currently have bids out for such systems.

Inmate phone systems are very crucial to the safe and efficient operation of our correctional facilities. Using these systems, it is possible to limit prisoners' calls to only certain authorized telephone numbers or to restrict them from calling certain prohibited numbers. Without such control, prisoners would be able to harass judges, jurors, witnesses and victims, and would be able to conduct illegal business while still confined to prison.

The systems we have installed operate at no cost to the state because the vendor receives a profit on the local and long distance charges paid by the prisoners. In fact, the vendor actually returns a portion of the profit to the state, which is now about \$450,000 per year. This money is used to provide social welfare and athletic activities for prisoners which otherwise would have to be paid for with state tax revenues. In Minnesota, as in every other state, these tax revenues are extremely short.

If Billed Party Preference were an option in inmate phone systems, vendors providing these systems would stand to lose their long distance revenues, and thus would decline to continue providing these systems. It would then be necessary to revert to previous practices which required prison guards to arrange for and monitor prisoners' calls. This system used prison staff that we simply do not have available in light of the ever-increasing inmate population.

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Honorable Reed E. Hundt
July 25, 1994
Page two

There is also an actual benefit for the prisoner who makes legitimate use of telephone calling privileges because the telephone is much more available using the inmate calling systems than when prison guards arrange and monitor the calls. Naturally, the prisoner making illegitimate use would prefer the old guard-handled system.

In summary, I urge the Federal Communications Commission to exempt inmate phone systems in correctional facilities from Billed Party Preference. It is not my intent to suggest how the commission should rule on this issue in other applications, but only in the case of inmate phone systems.

Thank you for your attention to the concerns of the State of Minnesota. I appreciate your soliciting comments on this crucial issue.

Sincerely,



Frank W. Wood
Commissioner

FWW:sb

cc Commission members:
Honorable James H. Quello
Honorable Andrew C. Barrett
Honorable Rachelle B. Chong
Honorable Susan Ness



SPOKANE AIRPORTS

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AUG 01 1994

FCC MAIL ROOM

Spokane International Airport
Felts Field Airport

P.O. Box 19186
SPOKANE, WASHINGTON 99219-9186
(509) 455-6455
FAX (509) 624-6633

July 27, 1994

Mr. W. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, Room 222
Washington, D.C. 20554

RE: Docket #92-77

Dear Mr. Caton:

It is our understanding that the Federal Communications Commission (FCC) is once again pursuing the Billed Party Preference (BPP) in regard to long distance telephone service. We would like to take this opportunity to comment in response to the further Notice of Proposed Rulemaking (FNPRM) related to the above-referenced docket.

The projected cost identified in the Notice of Proposed Rulemaking appears to be incomplete in regard to the cost to the consumer. The establishment of rates and charges at airports is based on the capital improvement and operations and maintenance requirements of the facility. The inability to generate revenue from any particular aspect of airport business would necessarily result in an increase in other concession-related fees and/or higher costs to the resident air carriers - all costs which would inevitably be passed on the passengers. We have serious concerns that the true cost to the consumer has not been fully studied.

We have not received any complaints related to pay telephone service. Those using the pay telephones in our facility are able to easily access their chosen interLATA carrier. I am concerned that additional call set-up time and additional data processing certain to be associated with BPP will significantly derogate service quality, representing little more than a sizeable source of confusion and difficulty to those attempting to utilize the system.

We believe that Billed Party Preference is unneeded and unnecessary and has limited advantage to the customer. At airports, it will result in an increase in other products and services to the customer to make up for lost long distance pay phone commissions. We strongly urge the FCC to reject BPP and not try to fix a system that is not broken.

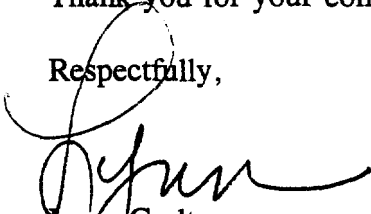
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Mr. W. Caton
July 27, 1994
Page Two

Thank you for your consideration of my comments regarding this matter.

Respectfully,



Lynn Carlton
Director of Properties and Contracts
(509) 455-6415

LC:sma